<u>Remarks</u>

<u>Amendments to the claims</u>

Claims 1, 3-9, 11-21, 23-29, and 31-40 are pending. Claim 1, 3, 9, 11, 17, 21, 29, 31 and 37 have been amended, as indicated above. Claims 2, 10, 22 and 30 are cancelled without prejudice. The issues in the case are as follows:

- Claims 1-40 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,002,871 to Duggan et al. (hereinafter, "Duggan").

Support for the amendments to the claims is as follows: Support for the amendment to claims 1, 17, 21, 29 and 37 is provided at least by original claim 2. Support for the amendment to claim 9 is provided at least by original claim 10. No new matter has been added.

The amendments made herein are for the sole purpose of facilitating an understanding of the differences between the Applicants' claims and the prior art, and are not to be considered as an admission that the prior art anticipated or rendered obvious the unamended claims.

<u>Rejection of Claims under 35 U.S.C. § 102</u>

Claims 1-40 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Duggan. The Applicants respectfully disagree that pending claims 1, 3-9, 11-21, 23-29, and 31-40 are anticipated by Duggan for the reasons set forth below.

As a starting point, the PTO and the Federal Circuit provide that §102 anticipation requires <u>each and every element</u> of the claimed invention to be disclosed in a single prior art reference. (*In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990)). The corollary of this rule is that the absence from a cited §102 reference of <u>any</u> claimed element negates the anticipation. (*Kloster Speedsteel AB, et al v. Crucible, Inc., et al*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir.

1 1986)). Furthermore, "[a]nticipation requires that all of the elements and limitations

2 of the claims are found within a single prior art reference." (*Scripps Clinic and*

3 *Research Found. v Genetech. Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010

4 (Fed. Cir. 1991 (emphasis added)). Moreover, the PTO and the Federal Circuit

5 provide that §102 anticipation requires that there must be no difference between the

6 claimed invention and the reference disclosure. (*Scripps Clinic and Research Found.*

7 *v. Genetech, Inc.*, id. (emphasis added)).

8 Accordingly, if the Applicants can demonstrate that any one element or

9 limitation in pending claims 1, 3-9, 11-21, 23-29, and 31-40 is not disclosed by

10 Duggan, then the respective claim(s) must be allowed.

11 In the following arguments, the Applicants will focus in particular on

12 independent claims 1, 9, 17, 21, 29 and 37 as the Applicants believe those claims to

13 be allowable over Duggan. It is axiomatic that any dependent claim which depends

14 from an allowable base claim is also allowable, and therefore the Applicants do not

15 believe it is necessary to present arguments in favor of each and every dependent

16 claim. The fact that the Applicants have not presented herein specific arguments in

17 favor of the allowability of each and every dependent claim which depends from

18 arguably allowable independent claim is not to be considered as an admission that

19 the dependent claims are only allowable as a result of their dependence on an

20 allowable base claim, but rather as a matter of efficiency in responding to the instant

21 Office action. The Applicants make no concession nor admission that any

22 dependent claim is allowable based solely on its dependence from an allowable

23 base claim.

24

25 (Continued on next page.)

Claim 1

The Applicants contend that independent claim 1, and rejected claims 2-8 that depend therefrom, are not anticipated by Duggan. Claim 1 (as amended above) recites in part:

A method for automated testing of a graphical user interface (GUI) of a program, said method comprising:

creating a test case file comprising a plurality of test steps in a text format wherein the test steps are not written in an interpreted computer programming language **and wherein each test step comprises an object, an action, and an identification reference**; ....

(Emphasis added.)

The Examiner asserts that Duggan discloses "that each test step comprises an object, an action, and an identification reference" at col. 3: lines 5-7 (Office action, Pg. 4, first para.). However, a closer reading of the portion of Duggan that the Examiner refers to is actually in the background section of Duggan's disclosure, which does not disclose, teach or even suggest that which the Examiner asserts, by itself or in combination with the teaching of Duggan's invention. In fact, Duggan does not disclose, teach or even suggest "creating a test file comprising a plurality of test steps in a text format, ...wherein each test step comprises an object, an action and an identification reference," as taught by Applicants' amended claim 1. In contrast, Duggan provided his own definition of a test script: "[a] 'test script' is a text file containing a list of the names of a set of commands to be executed by the test tool program during a test run," (col. 5: 63-65), and further teaches that "[t]est scripts are ASCII text files containing a list of the names of commands to be executed[] [and] [e]ach line of the file contains *one command name*, and the commands are executed in the order listed (col. 7:30-33)(Emphasis added). A "command name", as disclosed by Duggan, does not explicitly or inherently include an object, an action and an identification reference, as required by Applicants' amended claim 1.

Therefore, Duggan cannot anticipate Applicants' amended claim 1, since each and every element of claim 1 (as amended) is not disclosed or inherent in the reference. Applicants therefore submit that for at least the above reasons, claim 1 (as amended), and claims 3-8 that depend therefrom, are all allowable over Duggan.

Claim 9

The Applicants contend that independent claim 9, and rejected claims 11-16 that depend therefrom, are not anticipated by Duggan. Claim 9 (as amended above) recites:

A system for automated testing of a graphical user interface (GUI) of an application, said system comprising:

at least one processor;

a memory coupled to said at least one processor;

a test harness residing in said memory and executed by said at least one processor, wherein said test harness is configured to execute one of a plurality of automated tests in response to one of a plurality of test steps of a text format test data file wherein the test steps of the text format test data file are not written in an interpreted computer programming language **and wherein each test step comprises an object, an action, and an identification reference**, each automated test configured to test a corresponding user interface element of said application through a GUI map, said GUI map configured to define a logical name for each user interface element of said application.

(Emphasis added.)

For at least the reasons described above with respect to Claim 1, the Applicants contend that Duggan does not anticipate Applicants' claim 9 (as amended), as amended claim 9 includes (at least) the limitation of, "a text format test data file wherein each test step comprises an object, an action, and an identification reference", which is not disclosed by Duggan (as discussed above). The 35 U.S.C.

§ 102 rejection of claim 9 (as amended) is thus unsupportable in view of the requirements for such a rejection as described above. Thus, the Applicants contend that claim 9 (as amended) is allowable. As claim 9 (as amended) is allowable, claims 11-16 are allowable by virtue of their dependence upon an allowable base claim, as well as their own respective merits.

Claim 17

The Applicants contend that independent claim 17 (as amended), and rejected claims 18-20 that depend therefrom, are not anticipated by Duggan. Claim 17 (as amended above) recites in part:

> A computer readable storage medium on which is embedded one or more computer programs, said one or more computer programs implementing a method for automated testing of a graphical user interface (GUI) of an application, said one or more computer programs comprising a set of instructions for:
>
> creating a test case file comprising a plurality of test steps in a text format wherein the test steps are not written in an interpreted computer programming language **and wherein each test step comprises an object, an action and an identification reference**; ....

(Emphasis added.)

For at least the reasons described above with reference to Claim 1, the Applicants contend that Parker does not anticipate Applicants' amended claim 17. Specifically, and as described above, Duggan does not disclose, teach or even suggest "creating a test file comprising a plurality of test steps in a text format, ...wherein each test step comprises an object, an action and an identification reference," as recited by Applicants' amended claim 17. The 35 U.S.C. § 102 rejection of claim 17 is thus unsupportable in view of the requirements for such a rejection as described above. Thus, the Applicants contend that claim 17 (as amended) is allowable. As amended claim 17 is allowable, claims 18-20 are also

allowable by virtue of their dependence upon an allowable base claim, as well as their own respective merits.

Claim 21

The Applicants contend that independent claim 21, and rejected claims 18-20 that depend therefrom, are not anticipated by Duggan. Claim 21 (as amended above) recites in part:

> A method for automated testing of a graphical user interface of a program, comprising:
>
> receiving a test case file to a test harness wherein the test case file is in a text format and wherein the test case file is not written in an interpreted programming language;
>
> reading the test case file;
>
> determining a test step based on the test case file wherein each line of the test case file <u>comprises an object, an action, and an identification reference</u> which is interpreted by the software harness as a step of a test of the graphical user interface of the program; ....

(Emphasis added.)

For at least the reasons described above with reference to Claim 1, the Applicants contend that Parker does not anticipate Applicants' claim 21 (as amended). Specifically, and as described above, Duggan never discloses, teaches or even suggests that "<u>each line of the test case file comprises an object, an action, and an identification reference</u>," as recited by Applicants' amended claim 21. The 35 U.S.C. § 102 rejection of claim 21 is thus unsupportable in view of the requirements for such a rejection as described above. Thus, the Applicants contend that claim 21 (as amended) is allowable. As claim 21 is allowable, claims 23-28 are allowable by virtue of their dependence upon an allowable base claim, as well as their own respective merits.

<u>Claim 29</u>

The Applicant contends that independent claim 29 (as amended), and rejected claims 31-36 that depend therefrom, are not anticipated by Duggan. Claim 29 (as amended above) recites in part:

> A system for automated testing of a graphical user interface (GUI) of a program, comprising:
>
> at least one processing means;
>
> computer readable memory means which is readable by the processing means, the computer readable memory means containing a test harness program comprising a series of computer executable steps configured to cause the processing means to:
>
> control the reception of a test case file to a test harness wherein the test case file is in a text format and wherein the test case file is not written in an interpreted programming;
>
> read the test case file;
>
> determine a test step based on the test case file **wherein each line of the test case file comprises an object, an action, and an identification reference** which is interpreted by the software harness as a step of a test of the graphical user interface of the program; ....
>
> (Emphasis added.)

For at least the reasons described above with respect to Claim 1, the Applicants contend that Duggan does not anticipate Applicants' claim 29 (as amended), as amended claim 29 includes (at least) the limitation of "a test case file <u>wherein each line of the test case file comprises an object, an action, and an identification reference</u>", which is not disclosed by Duggan (as discussed above). The 35 U.S.C. § 102 rejection of claim 29 is thus unsupportable in view of the requirements for such a rejection as described above. Thus, the Applicants contend that claim 29 (as amended) is allowable. As claim 29 is allowable, claims 31-36 are allowable by virtue of their dependence upon an allowable base claim, as well as their own respective merits.

<u>Claim 37</u>

The Applicants contend that independent claim 37 (as amended), and rejected claims 38-40 that depend therefrom, are not anticipated by Duggan. Claim 37 (as amended above) recites in part:

> A computer readable medium storing a computer program to implement automated testing of a graphical user interface (GUI) of a program, comprising:
>
> computer readable code to control the reception of a test case file to a test harness wherein the test case file is in a text format and wherein the test case file is not written in an interpreted programming language;
>
> computer readable code to read the test case file;
>
> computer readable code to determine a test step based on the test case file wherein each line of the test case file **comprises an object, an action, and an identification reference** which is interpreted by the software harness as a step of a test of the graphical user interface of the program; ....

(Emphasis added.)

For at least the reasons described above with reference to Claim 1, the Applicants contend that Parker does not anticipate Applicants' claim 37 (as amended). Specifically, and as described above, Duggan does not disclose, teach or even suggest that "<u>each line of the test case file comprises an object, an action, and an identification reference</u>," as recited by Applicants' amended claim 37. The 35 U.S.C. § 102 rejection of claim 37 is thus unsupportable in view of the requirements for such a rejection as described above. Thus, the Applicants contend that claim 37 (as amended) is allowable. As claim 37 is allowable, claims 38-40 are allowable by virtue of their dependence upon an allowable base claim, as well as their own respective merits.

(Continued on next page.)

Summary

The Applicants believes that this response constitutes a full and complete response to the Office action, and therefore request timely allowance of claims 1, 3-9, 11-21, 23-29, and 31-40.

The Examiner is respectfully requested to contact the below-signed representative if the Examiner believes this will facilitate prosecution toward allowance of the claims.

Respectfully submitted,

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